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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,432	11/03/2003	Daniel P.H. Wu	14017 B	5593
36672	7590	09/21/2005		
CHARLES E. BAXLEY, ESQ.			EXAMINER	
90 JOHN STREET			BROWN, DREW J	
THIRD FLOOR				ART UNIT
NEW YORK, NY 10038				PAPER NUMBER
			3616	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/700,432	WU, DANIEL P.H.
	<b>Examiner</b>	<b>Art Unit</b>
	Drew J. Brown	3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213..

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 03 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Specification*

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

The articles *a*, *an*, and *the* do not appear before many of the nouns throughout the specification such as before "front wheel assembly," "jockey wheel," "wheelchair," "top surface," and "frame." On line 17 of page 5, the article *a* should be used instead of *an* when referring to "opposite holes." On line 5 of page 7, "cause" should be replaced by "because," and on line 6 "driving wheel 33" should be "jockey wheel 33." Also, "is" on line 17 of page 5 should be "are," "climbed" on line 8 of page 7 should be "climbs," and the verb "is" is needed on line 10 of page 8 after "wheel assembly 30" and on line 23 after "positioning bolt 40."

The abstract is also replete with unclear, inexact, or verbose terms. The article *a* needs to appear before "front wheel assembly" on line 1; "on the frame" should replace "of frame" on line 3, *the* needs to appear before "wheelchair" on line 8 and before "front wheel assembly" on line 11. Finally, "move" should be "moves" on line 8, "simple" should be "simply" on line 11, and "wheelchair" should be "wheelchairs" on line 12.

### *Claim Objections*

2. Claim 1-4 are objected to because of the following informalities: The article *a* needs to appear before "front wheel assembly" in the preamble of each of the claims, and the article *an*

should be replaced with *a* when referring to “opposite holes” in claim 1. Also, “each of which having both ends” should be replaced with “each of which having two ends” when referring to the positioning bolts in claim 2.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. With respect to claim 1, the term “the same” renders the claim indefinite. The examiner assumes that “the same” refers to the mounting bracket, but it is not clear; therefore, the examiner suggests that the term be replaced with “the mounting bracket.”

6. With respect to claim 2, the term “the same” renders the claim indefinite. The examiner assumes that “the same” refers to the positioning bolt, but it is not clear; therefore, the examiner suggests that the term be replaced with “the positioning bolt.” It is also unclear to the examiner whether the “another rubber ring” is actually being claimed. The term “can be” renders the claim indefinite and should be replaced with “is” if the “another rubber ring” is being claimed.

7. Claim 3 recites the limitation "position bolt" in line 2. There is insufficient antecedent basis for this limitation in the claim. The examiner suggests that “positioning bolt” be used instead.

***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claim 3 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim recites that the user can adjust the elastic force of the rubber rings on the strut of the front wheel assembly based on his/her own weight, but a human being is non-statutory subject matter and cannot be positively recited. The examiner suggests that the claim be amended so that the user can adjust the elastic force of the rubber rings on the strut of the front wheel assembly based on the weight of the occupant.

***Allowable Subject Matter***

10. Claims 1, 2, and 4 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:  
The claims are allowable as it recites a frame with a pair of mounting brackets each having a pair of holes and a slot, as well as a pair of front wheel assemblies each including a jockey wheel having strut holes and a slot corresponding to those of the mounting bracket, where positioning bolts pass through the holes and the slot to limit the upward rotation of the strut.

The prior art of Schaffner et al. (U.S. Pat. No. 6,543,798 B2) discloses a mounting bracket with a pair of holes and a slot along with positioning bolts, jockey wheels, and a spring, but it does not have a strut. The prior art of Ferris et al. (U.S. Pat. No. 6,244,025 B1) discloses a

strut but does not have all of the holes corresponding to those of the mounting bracket. It would have not been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Schaffner et al. in view of the teachings of Ferris et al. to include a strut between the jockey wheel and the mounting bracket because the configuration of the strut is not compatible with that of the mounting bracket.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schaffner et al. (U.S. Pat. No. 6,543,798 B2), Donald et al. (U.S. Pat. No. 4,000,912), Wu (U.S. Pub. No. 2004/0168839 A1), Ferris et al. (U.S. Pat. No. 6,244,025 B1), Kral (U.S. Pat. No. 6,460,641 B1) and Lazaros (U.S. Pat. No. 6,079,725) all disclose similar suspensions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J Brown  
Examiner  
Art Unit 3616

DJB



DAVID R. DUNN  
PRIMARY EXAMINER